

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Nos. 3:06-CR-74-1-BR
5:07-CR-3-BR

UNITED STATES OF AMERICA,)
)
 v.) ORDER
)
)
 HOWELL WAY WOLTZ)

This matter is before the court on the motion of defendant to continue the sentencing hearing based on the scheduling conflict of one of his counsel. The motion is DENIED. However, the court will not require counsel who has a conflict to attend the hearing; it is satisfactory if only co-counsel attends the hearing.

Also, the court notes that although counsel filed a notice of appearance in Case No. 3:06CR74, they did not so in Case No. 5:07CR3. Since the time of defendant's guilty plea, the cases have been treated as one and the court assumes counsel intend to represent defendant in both cases. Counsel are DIRECTED to clarify the record by written filing in Case No. 5:07CR3.

This 20 August 2007.



W. Earl Britt
Senior U.S. District Judge